

Entered -06/22/00 - sb  
CL 00L0389 - GWENDOLYN BURNS

CLAIM OF: **HABITAT FOR HUMANITY IN ATLANTA**  
**519 Memorial Drive, SE**  
**Atlanta, Georgia 30312**

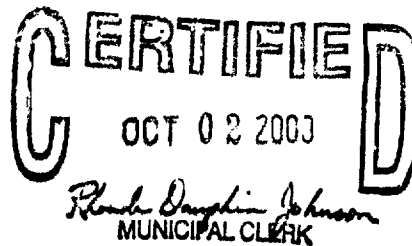
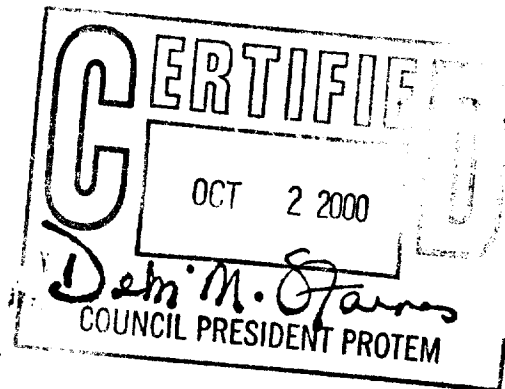
**00- R -1507**

For property damages alleged to have been sustained as a result of  
a sewer back up on March 19, 2000 at 728 Cooper Street, SW.

THIS ADVERSED REPORT IS  
APPROVED

BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY *by RNC*

ADVERSED REPORT  
cc: Public Safety  
9/24/00  
V-01 *Chela Henriquez*  
*Michael St...*  
*City Clerk*



CONSENT AGENDA

ADVERSED BY  
CITY COUNCIL OCT 02 2000



**CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103**

October 9, 2000

**Habitat for Humanity In Atlanta  
519 Memorial Drive, SE  
Atlanta, GA 30312**

**00-R-1507**

Dear Madam/Sir:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on October 02, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

**Rhonda Dauphin Johnson, CMC  
Municipal Clerk**

**cc: Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0389

Date: September 14, 2000

Claimant /Victim HABITAT FOR HUMANITY IN ATLANTA  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 519 Memorial Drive, SE, Atlanta, Georgia 30312  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 4,731.83 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 6/19/00 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 3/19/00 Place: 728 Cooper Street, SW  
Department PUBLIC WORKS Division Sewer Operations  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant alleges that its property sustained damages from an over flow of storm sewer drains which caused sewage to back up into the residence. An investigation determined that the City responded in a timely manner to the March 19, 2000 occurrence. Further review of the records indicated that the City did not have prior notice of any problems at this location prior to the March 19, 2000 occurrence. The City is immune from liability as set forth in O.C.G.A. §36-33-1.


INVESTIGATION:

Statements: City employee X Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral X  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other X  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

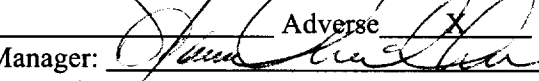
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWEN BOLYN BURNS

RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 09-14-00  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Burns  
06/19/00  
pm

Today's Date: 5/30/00

ENTERED - 6-22-00 - SB  
00L0389 - GWEN BURNS

JUN 13

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 4731.83 property and/or \$ n/a bodily injury for which I contend the City is liable.

1. Date of incident: 3/19/00 2. Time of Incident: early even, 3. Police called: Yes ☒ No ☒  
(month/day/year).

4. Location of incident (including street address): 728 Cooper St., SW Atlanta 30315

5. Name of your insurance company: Travelers Property Casualty Policy No. OM6433-967693470-633-1

6. State what and how incident occurred: A flash flood occurred in the area. As a result, a storm drain backed up into the sewer line, flooding the house with mud, water, and sewage.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: (Make) (Year) (Tag Number) (Driver's Name)

City vehicle: (Make) (City Driver's Name) (Department/Bureau)

9. Witness: (Name) (Address) (Telephone Number)

10. The acknowledgement of this claim in no way waives the sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and / or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Signature of Claimant

Habitat for Humanity in Atlanta  
(Print Claimant's Name)

519 Memorial Drive, SE  
(Address)

Atlanta, GA. 30312  
(City, State and Zip Code)

404-223-5180 x 2624  
(Work Number) (Home Number)

00- R -1507

RCS# 2255  
10/02/00  
1:44 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-17

RECONSIDER

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y McCarty	B Dorsey	Y Moore	Y Thomas	ITEM (S) REMOVED FROM CONSENT AGENDA
Y Starnes	Y Woolard	B Martin	Y Emmons	
Y Bond	Y Morris	Y Maddox	Y Alexander	
Y Winslow	Y Muller	Y Boazman	NV Pitts	

00-O-1390  
00-O-1567  
00-R-1480  
00-R-1571  
00-R-1574

CONSENT

COUNCIL PRESIDENT PROTEM DEBI STARNES PRESIDED.

RCS# 2286  
10/02/00  
4:58 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-17

RECONSIDERATION

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
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CONSENT AGENDA

00-O-1390  
00-O-1567  
00-R-1480  
00-R-1571  
00-R-1574

CONSENT

		10/02/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA
1. 00-O-1393 2. 00-O-0758 3. 00-O-1341 4. 00-O-1453 5. 00-O-1326 6. 00-O-1327 7. 00-O-1328 8. 00-O-1329 9. 00-O-1301 10. 00-O-0263 11. 00-O-0979 12. 00-O-1311 13. 00-O-1418 14. 00-O-1566 15. 00-O-1417 16. 00-O-1114 17. 00-O-1561 18. 00-R-1486 19. 00-R-1490 20. 00-R-1524 21. 00-R-1525 22. 00-R-1572 23. 00-R-1483 24. 00-R-1484 25. 00-R-1552 26. 00-R-1310 27. 00-R-1466 28. 00-R-1467 29. 00-R-1469 30. 00-R-1563 31. 00-R-1549 32. 00-R-0977 33. 00-R-1297 34. 00-R-1495 35. 00-R-1461 36. 00-R-1464	37. 00-R-1470 38. 00-R-1471 39. 00-R-1472 40. 00-R-1476 41. 00-R-1477 42. 00-R-1481 43. 00-R-1497 44. 00-R-1498 45. 00-R-1499 46. 00-R-1500 47. 00-R-1501 48. 00-R-1502 49. 00-R-1503	50. 00-R-1504 51. 00-R-1505 52. 00-R-1506 53. 00-R-1507 54. 00-R-1508 55. 00-R-1509 56. 00-R-1510 57. 00-R-1511 58. 00-R-1512 59. 00-R-1513 60. 00-R-1514 61. 00-R-1515 62. 00-R-1516 63. 00-R-1517 64. 00-R-1518 65. 00-R-1519 66. 00-R-1520 67. 00-R-1521 68. 00-R-1522 69. 00-R-1523